

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MICHAEL MEYERS, *et al.*, individually
and on behalf of all others similarly situated,

Plaintiffs,
v.

BHI ENERGY SERVICES, LLC and BHI
ENERGY I SPECIALTY SERVICES LLC,

Defendants.

Lead Case No.: 1:23-cv-12513-LTS

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs, pursuant to Fed. R. Civ. P. 23(e)(1), submit this Unopposed Motion for Preliminary Approval of Class Action Settlement and respectfully request the Court enter an order to:

1. Preliminarily approve the Settlement¹ entered into with Defendants BHI Energy Services, LLC and BHI Energy I Specialty Services, LLC, finding the Court is likely to approve the Settlement as fair, reasonable, and adequate pursuant to Fed. R. Civ. P. 23(e)(2);
2. Conditionally certify the Settlement Class;
3. Appoint Plaintiffs Michael Meyers, Daniel Muske, Gary Kaplan, Kim Wever, Joshua Pyfrom, Lashawntae Washington, and Ted Melton as Class Representatives;
4. Appoint A. Brooke Murphy of Murphy Law Firm and William B. Federman of Federman

¹ All capitalized terms herein shall have the same meaning as those defined in the Class Action Settlement Agreement, which is attached to the *Memorandum in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement* as Exhibit 1.

& Sherwood as Class Counsel;

5. Approve the Notice Program and Notices and direct that Notice be sent to the Settlement Class pursuant to the Notice Program and Fed. R. Civ. P. 23(e)(1);
6. Approve the Claim process and Claim Form;
7. Order the Settlement Agreement's opt-out and objection procedures;
8. Appoint Atticus Administration, LLC ("Atticus") as Settlement Administrator and direct Atticus to carry out the duties and responsibilities of the Settlement Administrator specified in the Settlement;
9. Stay all deadlines in the Action pending Final Approval of the Settlement;
10. Enjoin and bar all members of the Settlement Class from continuing in any litigation or asserting any claims against the Released Parties arising out of, relating to, or in connection with the Released Claims prior to the Court's decision to grant Final Approval of the Settlement; and
11. Set a date for the Final Approval Hearing, which Plaintiffs respectfully request be set at least 120 days from the Order granting this Motion, or a date as soon thereafter when the Court is available.

Defendants do not oppose this Motion. This Motion is based on the accompanying Memorandum; the Settlement Agreement and exhibits thereto; the *Joint Declaration of Class Counsel in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement*, which is being contemporaneously filed herewith; the argument of counsel; all papers and records on file in this matter; and such other matters as the Court may consider.

DATED: November 13, 2024

Respectfully submitted,

/s/ A. Brooke Murphy

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LOCAL RULE 7.1(a)(2) CERTIFICATION

The undersigned hereby certifies that counsel for Plaintiffs have conferred regarding the issues presented in this motion and Defendants have assented to the relief requested.

/s/ William B. Federman
William B. Federman

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on November 13, 2024.

/s/ William B. Federman
William B. Federman